

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

JERRY WEST, )  
                  )  
Plaintiff / Counter-Defendant, )  
                  )  
v.               ) Case Number: 3:07-cv-9  
                  ) Judge: Thomas A. Varlan  
ALLSTATE INDEMNITY COMPANY, ) Magistrate: C. Clifford Shirley, Jr.  
                  ) JURY DEMAND  
Defendant / Counter-Plaintiff. )

**CONSENT ORDER DISMISSING CASE-IN-CHIEF  
AND COUNTER-CLAIM, WITH PREJUDICE**

Come now the parties, by and through their undersigned counsel, and request that upon stipulation of the respective parties that all matters in dispute among and between the parties have been resolved via settlement, and the Case-in-Chief should be dismissed, with prejudice; the Counter-Claim should be dismissed, with prejudice; there will be no award of attorney fees; each party shall bear its own discretionary costs; and any outstanding Court costs will be paid by Allstate Indemnity Company, Defendant/Counter-Plaintiff.

**IT IS THEREBY ORDERED, ADJUDGED, AND DECREED** that the above-referenced Case-in-Chief is hereby dismissed, with prejudice; the Counter-Claim is hereby dismissed, with prejudice; all discretionary costs will be paid by the parties incurring said costs; and any outstanding Court costs, should they exist, will be paid by Allstate Indemnity Company, Defendant/Counter-Plaintiff.

The terms of the Scheduling Order entered June 6, 2007, are therefore null and void, and the previously set trial date of April 8, 2008, shall be removed from the Court's docket.

ENTERED THIS \_\_\_\_\_ day of July, 2007.

s/ Thomas A. Varlan  
**HONORABLE THOMAS A. VARLAN**  
United States District Judge

Respectfully submitted,

s/Michele E. Cooper  
**MICHELE E. COOPER, BPR #17312**  
Attorney for Allstate Indemnity Company  
**MILLS & COOPER**  
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s/James W. Brooks, Jr.  
**JAMES W. BROOKS, JR., BPR #011423**  
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**CERTIFICATE OF SERVICE**

Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system. The Plaintiff's counsel was sent a copy of this Pleading by U. S. Mail as follows:

James W. Brooks, Jr.  
Attorney at Law  
PO Box 160  
Wartburg, TN 37887

on this 6<sup>th</sup> day of July, 2007.

s/Michele E. Cooper  
**MICHELE E. COOPER**